

Appendix E: Guidebook Definitions and Terms

Advance Detail Plans (ADPs) – Consists of the steps necessary for the preparation of 90% complete plans and the review of the plans within the NYSDOT and, if applicable, by FHWA, local agencies, and organizations with jurisdiction over the project area. See HDM Chapter 21¹ for ADP Content.

Appropriate Professional – Term applies to the appropriately credentialed individual given the situation being addressed (e.g., if ROW is being addressed the appropriate professional is a ROW expert. If the issue concerns environmental permitting, the appropriate professional would be an environmental engineer. A budget issue might require an accountant.).

Bid Proposal Documents – Plans, specifications, estimates, labor wage rates, table of quantities, bid sheets, special notes, permit conditions and supplemental bidder information.

Consolidated Local Street and Highway Improvement Program (CHIPS) - CHIPS² provides State funds to eligible municipalities to support the construction and repair of highways, bridges, highway-railroad crossings, and other facilities which are not on the State highway system. CHIPS funds may be used as the local match on federally funded street or highway capital projects having a 10-year minimum service life.

Federal Aid Share or Federal Share – These terms refer to the amount of a project's cost that will be reimbursed by the Federal Highway Administration (FHWA) through the New York State Department of Transportation (NYSDOT) to the project Sponsor. Typically, this share is up to 80% of the eligible costs. See Non-Federal Share description.

Federal Highway Administration (FHWA) – a USDOT sub-organization charged with administering federally-aided highway projects. FHWA is divided into Division Offices for each state, resource centers for various regions of the country, and Headquarters in Washington D.C. FHWA is a sibling agency to the FTA.

Federal Requirements - All projects must comply with applicable provisions in Title 23, such as entering into project agreements, authorization to proceed, prevailing wage rates (Davis-Bacon), Buy America, competitive bidding, and other federal requirements. The LPM manual³ describes the various processes and documentation required for local agencies to progress federally funded local transportation projects. All projects must be proposed, designed, and constructed according to these standards. The Highway Design Manual (HDM)⁴, NYSDOT Standard Specifications⁵ and the Project Development Manual (PDM)⁶ should be used as reference tools for the required standards.

Final Design Report (FDR) - For simple projects, an Initial Project Proposal (IPP)/FDR format is used. It will serve as the IPP, project scoping report and final design report (i.e., design approval document). For moderate and complex projects, the design report forms the basis of the appropriate environmental document, adding the necessary details to the report, expanding the different sections to complete the design approval document. This report is intended to serve as a checklist to help identify all applicable potential issues.

¹ [HDM Chapter 21](https://www.dot.ny.gov/divisions/engineering/design/dqab/hdm/chapter-21) - <https://www.dot.ny.gov/divisions/engineering/design/dqab/hdm/chapter-21>

² [CHIPS](https://www.dot.ny.gov/programs/chips?nd=nysdot) - <https://www.dot.ny.gov/programs/chips?nd=nysdot>

³ [LPM manual](https://www.dot.ny.gov/plafap) - <https://www.dot.ny.gov/plafap>

⁴ [The Highway Design Manual \(HDM\)](https://www.dot.ny.gov/divisions/engineering/design/dqab/hdm) - <https://www.dot.ny.gov/divisions/engineering/design/dqab/hdm>

⁵ [NYSDOT Standard Specifications](https://www.dot.ny.gov/main/business-center/engineering/specifications) - <https://www.dot.ny.gov/main/business-center/engineering/specifications>

⁶ [Project Development Manual \(PDM\)](https://www.dot.ny.gov/divisions/engineering/design/dqab/pdm) - <https://www.dot.ny.gov/divisions/engineering/design/dqab/pdm>

Appendix E: Guidebook Definitions and Terms

First Instance - A Sponsor must initially pay 100 percent of the project expenses then request reimbursement for 80 percent of the eligible project costs, capped at the award amount. TAP, CMAQ and CRP are reimbursement programs, meaning grant funding is provided only after all federal approvals have been received and after expenses have occurred. Reimbursement requests can occur as frequently as monthly.

Force Account - A method of performing construction work using the Sponsor's employees and pre-purchased/delivered materials. Force account work payments are based on the direct performance of construction work according to the actual cost of labor, equipment, and materials, with consideration for overhead and profit for consultants or contractors working for the Sponsor. Force account work must be approved by NYSDOT through a public interest finding.

Grants Gateway Grantee Contract Signatory – Role within the Grants Gateway system of the user authorized to search for, initiate, edit, review, submit a proposal, and sign contracts on behalf of the grantee organization.

Grants Gateway Grantee System Administrator - Role within the Grants Gateway system of the user authorized to complete all the processes required of a grantee user. This role is authorized to search for, initiate, edit, review, submit a proposal, and sign contracts on behalf of the grantee organization.

Justice40 (J40) – Justice40 is an opportunity to address gaps in transportation infrastructure and public services by working toward the goal that at least 40% of the benefits from many of the federal grants, programs, and initiatives flow to disadvantaged communities. TAP, CMAQ and CRP are beholden to the Justice40 requirement.

To determine the location of Justice40 designated disadvantaged communities please refer to the [USDOT Equitable Transportation Community \(ETC\) Explorer](#)⁷. The ETC is an interactive web application that uses 2020 Census Tracts and data, to explore the cumulative burden communities experience in the following five components: transportation insecurity, climate and disaster risk burden, environmental burden, health vulnerability, and social vulnerability.

Local Design Services Agreement (LDSA) - In each NYSDOT Region (excluding NYC and Long Island), the NYS County Highway Superintendents' Association ([NYSCHSA](#))⁸ has identified and selected a number of A/E consultants to provide services exclusively for locally administered federal aid transportation projects. Under this process, the Local Design Services Agreements (LDSA) were created.

Maintenance Areas - The CMAQ program provides funding to help meet the requirements of the Clean Air Act for transportation projects and programs that are located in areas that do not meet the National Ambient Air Quality Standards for ozone, carbon monoxide, or particulate matter (non-attainment areas) and for former non-attainment areas that are now in compliance (maintenance areas).

⁷ <https://experience.arcgis.com/experience/0920984aa80a4362b8778d779b090723/page/Homepage/>

⁸ <http://www.countyhwys.org/>

Appendix E: Guidebook Definitions and Terms

Metropolitan Planning Organization (MPO) – The transportation planning entity for urban areas with populations over 50,000. MPOs are federally mandated and authorized by NYS Transportation Law Section 15-a. NYSDOT is a member of each MPO in New York State. Each MPO is responsible for its metropolitan area's Regional Transportation Plan (RTP), Unified Planning Work Program (UPWP), Long Range Plan (LRP) and the Transportation Improvement Program (TIP).

National Environmental Policy Act (NEPA) - US environmental law which promotes the enhancement of the environment to ensure that environmental factors are considered equally when compared to other factors in the decision-making process through environmental assessments (EAs) or a Finding of No Significant Impact (FONSI); the preparation of a Categorical Exclusion (CatEx) or environmental impact statements (EISs). NEPA applies to any major project, whether on a federal, state, or local level, that involves federal funding or where a federal permit is required.

Non-Attainment Areas - The CMAQ program provides funding to help meet the requirements of the Clean Air Act for transportation projects and programs that are located in areas that do not meet the National Ambient Air Quality Standards for ozone, carbon monoxide, or particulate matter (non-attainment areas) and for former non-attainment areas that are now in compliance (maintenance areas).

Non-Federal Share (Local Match) - Sponsors must provide a 20% local match; this may occur through the Sponsor's own funding mechanisms. The local share is calculated as part of the whole project and not on an itemized basis.

NYSDOT Highway Work Permit - Any Sponsor who requests to enter NYSDOT right of way to perform work or other functions requires the completion and submission of a Highway Work Permit⁹ application. Any project application proposing work on a State Highway must have prior approval from the NYSDOT Regional Director, and the use of NYS highway right of way must be carried out and completed in accordance with the terms and conditions of a highway work permit issued in accordance with the New York State Highway Law, Article 3; Section 52. This includes sidewalk installations and maintenance, and intersection improvements. The NYSDOT Regional Office is responsible for issuing Highway Work Permits for all work to be performed on state highway right of way.

NYSDOT Oversight - The NYSDOT is responsible to the FHWA for the successful administration and implementation of federal-aid programs and projects, for which NYSDOT may delegate certain responsibilities to local public agencies (Sponsors). NYSDOT retains an oversight role when federally-aided projects are implemented by Sponsors. However, no comparable authority for National Environmental Policy Act (NEPA) or Section 106 (protection of historic properties) process/procedures has been granted to the Sponsors or their consultants providing services for NEPA or Section 106 compliance.¹⁰ Additional information can be found in the Local Project Manual, Chapter 2 - Roles and Responsibilities, and Chapter 7 - Overview of Environmental Process.

⁹ [Highway Work Permit](https://www.dot.ny.gov/divisions/operating/oom/transportation-systems/traffic-operations-section/highway-permits) - <https://www.dot.ny.gov/divisions/operating/oom/transportation-systems/traffic-operations-section/highway-permits>

¹⁰ Sponsors should contact their RLPL. The RLPL will transmit submissions, questions and correspondence to the appropriate contact (Office of Environment or RCRC). The RCRC will make all necessary contacts with the State Historic Preservation Office and, if necessary, with the Tribal Historic Preservation Officer.

Appendix E: Guidebook Definitions and Terms

Operation and Maintenance - A federally funded facility must be operated and maintained for its useful life. In the event that a federally funded facility does not perform as intended for its useful life, the Sponsor will be asked to pay back the prorated portion of project funds.

Generally, fees cannot be charged for access to projects or activities funded with federal monies. In those rare instances when a minimal fee may be charged, proceeds from the charge must not be excessive and, by agreement, are used solely for the maintenance and operation of the facility.

Sponsors may be required to prepare maintenance and operation plans for inclusion in appropriate project documents. A statement of maintenance obligation must be included in the resolution appended to the State-Local (Sponsor) Agreement.

Public Interest Finding (PIF) – A Public Interest Finding is a request which seeks approval for the use of Sponsor forces (force account work) on a federal aid project. NYSDOT or FHWA MUST approve ALL requests to use force account work on Local let construction projects. The Sponsor's "Public Interest Finding" request MUST justify why a "no bid force account work" is included in the contract. This can be justified by showing how it is cost effective to use the force account method vs. the competitive bidding (i.e., during emergency conditions). Sample PIF letters may be found in the LPM, Appendix 12-4. For additional information on competitive bidding requirements for federal aid construction contracts, see 23 CFR 635.104.

Local Projects Manual (LPM) - The Local Projects (LPM) manual is intended to assist non-NYSDOT transportation project Sponsors (Sponsors) in New York State who seek federal funding through the Federal Highway Administration (FHWA), and to provide an overview of the processes, procedures, documentation, authorizations, approvals, and certifications required throughout the scoping, design, construction, and maintenance of these facilities.

PS&E - Final Plans, Specifications and Estimates. Consists of the steps necessary to prepare and submit the Final documents for contract letting. For steps to process PS&E refer to Highway Design Manual (HDM) Chapter 21¹¹.

Qualifications Based Selection (QBS) Process – In accordance with 23 U.S.C. § 112, 23 C.F.R. Part 172, and New York State Finance Law §136- a, Architectural/Engineering (AE) services must be obtained through a Qualifications Based Selection (QBS) process. Proposals for a potential project must not include any discussion of a fee nor should it include an option for services be provided for free. Either of these may influence the potential project Sponsor to select the firm that indicated they would provide the services for free rather than the firm that is best qualified for the proposed work.

Right-of-Way (ROW) – Land and/or property rights required by state or local government (Sponsor) for transportation infrastructure. ROW consists of property, which is part of an existing facility, as well as that which is outside of the existing facility but required for a project.

Right-of-Way Incidentals – The ROW incidentals phase usually occurs during the Preliminary Engineering (PE) stage and includes ROW based activities from project scoping to property acquisition. ROW Incidentals are comprised of physical inspection of the proposed acquisitions, title searches, certification of property interests and appraisal/appraisal review activities. Though

¹¹ (HDM) Chapter 21 - <https://www.dot.ny.gov/divisions/engineering/design/dqab/hdm/chapter-21>

Appendix E: Guidebook Definitions and Terms

instrumental for acquisition activities, acquisition mapping and survey costs are associated with the project design stage.

Regional Local Project Liaison (RLPL) – Regional Office contact for Sponsors advancing federal or State aid transportation projects. The RLPL is responsible for ensuring that local projects receive adequate supervision and inspection such that they comply with all federal laws, rules, and regulations.

Reimbursement Program – A program that provides funding only after all approvals have been received and after expenses have occurred. A Sponsor will pay expenses initially and seek reimbursement. The federal portion of the project's cost will be reimbursed by the Federal Highway Administration (FHWA) through the New York State Department of Transportation (NYSDOT) to the project Sponsor. Typically, this share is up to 80% of the eligible costs. TAP, CMAQ and CRP are reimbursement programs.

SEQRA - State Environmental Quality Review Act. The NYSDOT SEQRA regulations explain significance in terms of criteria naming actions that result in significant impacts; which can be found in Chapter 2.1 of the Environmental Procedures Manual¹².

Sponsor - A municipality, authority, or state agency willing and able to assume responsibility for all aspects of an approved project. Sponsors must be able to provide up-front (first instance) funding for the project. TAP and CMAQ are reimbursement programs, meaning grant funding is provided only after all federal approvals have been received and after expenses have occurred. A Sponsor will have to pay expenses initially and seek reimbursement. The Sponsor is also responsible for the execution of the State - Local Agreement (SLA) between NYSDOT and themselves. A Sponsor's ability to meet the scheduled required milestones for other Federal Aid transportation programs is considered during the review process. Those Sponsors whose projects are advancing in a timely manner are more likely to be successful in this process.

State - Local Agreement (SLA) - Contract between the State and project Sponsor which codifies the Sponsor's promise to deliver a project or perform project tasks in accordance with all applicable standards, procedures, rules, regulations, laws, etc., for which the State promises reimbursement. The SLA consists of the standard agreement with schedules and appendices. It may be updated through supplemental agreements. These agreements are the means by which the State reimburses the Sponsor for all locally administered federal aid transportation projects.

Surface Transportation – A project that relates to surface transportation: proximity and connection to a highway or a pedestrian/bicycle corridor, enhances the aesthetic, cultural or historic aspects of the travel experience, serves a transportation purpose (has logical termini) rather than recreation (e.g., provides linkage to businesses districts, schools and residential areas and creates additional opportunities for travel).

¹² [Environmental Procedures Manual](https://www.dot.ny.gov/divisions/engineering/environmental-analysis/manuals-and-guidance/epm/chapter-2) - <https://www.dot.ny.gov/divisions/engineering/environmental-analysis/manuals-and-guidance/epm/chapter-2>